

REMARKS

In the above-referenced Office Action the Examiner objected to the specification as failing to provide a proper antecedent basis for the claim subject matter. The Examiner indicated that the specification does not describe a “third circuit”. It is requested that this objection be reconsidered and withdrawn for the following reasons: the three circuit systems are described beginning at the bottom of page 4 and the first three paragraphs of page 5. They are the anti-noise circuit system, the radio circuit system, and the sound collection circuit system. The anti-noise system is identified by reference numbers beginning with the number 1, the radio receiving circuit system is identified by reference numbers beginning with the number 2 and the sound collection system is identified by reference number 301 which identifies the external noise input terminal. Accordingly Applicant considers that the third circuit system is adequately described. In an abundance of caution the identity of the third circuit system has been added to claim 2 as amended.

The Examiner also rejected the claims under 35 USC 103 on a combination of the Andrea et al. patent and the newly cited Nakagawa reference. The Examiner is relying on Nakagawa for a teaching of the radio system missing from the Andrea patent. It is requested that this rejection be reconsidered and withdrawn for the following reasons:

The characterization of the Andrea et al. reference from the previous amendment is maintained. This reference is directed to an industrial application wherein operators of devices having loud motors like a helicopter can have their ears protected by filtering out the engine noise. There is absolutely no teaching for the addition of a radio and certainly no teaching for simultaneously filtering out background noise so that not only can the

wearer listen to a radio, the wearer can also hear voice instructions or comments which would not be discernible without elimination of the background noise.

Elimination of this background noise is achieved by phased detection U-circuit IC devices which are either in each of the circuits or as in the case of the third circuit coupled thereto. See figures 3, 4 and 5.

Concerning the Nakagawa reference, while this reference does describe a FM radio, there is no teaching in this reference for external noise reduction. The Examiner has indicated that it would be obvious to couple the radio of Nakagawa to the noise reduction unit of Andrea et al. but there is no teaching to do so. Furthermore, in Claim 2 of the instant case, the radio circuit contains its own U-circuit IC as shown in figure 4 reference number 102 which is separate from that contained in the anti-noise reduction circuit of figure 3 B. This feature is not described in the Nakagawa patent or in the Andrea et al. patent.

To reiterate, if the radio of Nakagawa was coupled to the noise reduction device of Andrea et al. as the Examiner apparently considers would be obvious, there still would not be a U-circuit IC in the anti-noise circuit and a separate U-circuit IC in the radio circuit. Since there is no teaching in Nakagawa for supplying such a U-circuit IC even the combination does not meet the limitations of claim 2 as amended.

Finally, Applicant does not concede that it would be obvious to one skilled in the art to combine Nakagawa and Andrea et al. As previously stated, Andrea et al. does not have a radio, and Nakagawa does not have the noise suppression system of claim 2 herein. Therefore there is no teaching for coupling Nakagawa and Andrea et al.

Accordingly Applicant considers that Claim 2 as amended patentably distinguishes these references. It is requested then that the rejection be withdrawn, and the case passed to allowance.

Respectfully submitted,

Donald C. Casey
Donald C. Casey
Registration No. 24,022

311 N. Washington Street
Suite 100
Alexandria, Virginia 22314
(703) 548-2131 DCC:nwl
Date: March 10, 2005

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

on March 10, 2005
NW Rawl